

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ARMEL RASHARD JOHNSON,

Plaintiff,

v.

3:17-CV-0859 (BKS/DEP)

PAROLE OFFICER RICK HOYT, et al.,

Defendants.

Appearances:

Armel Rashard Johnson
Binghamton, NY 13904
Plaintiff, pro se

Christopher J. Hummel, Esq.
Hon. Letitia James
Office of New York State Attorney General
The Capitol
Albany, NY 12224
Attorney for Defendants

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Armel Rashard Johnson commenced this civil rights action asserting claims under 42 U.S.C. § 1983 against the Defendant New York State Department of Corrections and Community Supervision Parole Officers for violating his constitutional rights during a June 5, 2017 incident at his residence in Binghamton, New York. (Dkt. No. 1). This matter was assigned to United States Magistrate Judge David E. Peebles who, on March 8, 2019, issued a Report and Recommendation recommending that this action be dismissed in its entirety, under Rule 41(b) of the Federal Rules of Civil Procedure, based upon Plaintiff's failure to prosecute

and failure to comply with the Court's orders and local rules of practice. (Dkt. No. 39).

Magistrate Judge Peebles advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. (Dkt. No. 39, at 10). No objections to the Report and Recommendation have been filed.

As no objections to the Report and Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report and Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report and Recommendation for clear error and found none, the Court adopts the Report and Recommendation in its entirety.

For these reasons, it is


ORDERED that the Report and Recommendation (Dkt. No. 39) is **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint is **DISMISSED** in its entirety, under Rule 41(b) of the Federal Rules of Civil Procedure, based upon his failure to prosecute and failure to comply with the Court's orders and local rules of practice; and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: April 8, 2019


Brenda K. Sannes
U.S. District Judge